

David E. Bower SBN 119546
FARUQI & FARUQI, LLP
10866 Wilshire Boulevard, Suite 1470
Los Angeles, CA 90024
Telephone: 424-256-2884
Facsimile: 424-256-2885
Email: dbower@faruqilaw.com

Attorneys for Proposed Lead Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TODD AROSTEGUI, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

DYNAVAX TECHNOLOGIES
CORPORATION, DINO DINA, and J.
TYLER MARTIN,

Defendants.

Case No. 3:13-CV-2796 (CRB)

**ORDER
GRANTING KHALED
KHALAFALLAH'S MOTION
FOR CONSOLIDATION,
APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL
OF LEAD COUNSEL**

CLASS ACTION

Judge: Hon. Charles R. Breyer
Hearing Date: September 27, 2013
Time: 10:00 A.M.
Courtroom: #6

Case No. CV 13-2947 (CRB)

JOHN WEBB, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

DYNAVAX TECHNOLOGIES
CORPORATION, DINO DINA and J.
TYLER MARTIN,

Defendants.

1 WHEREAS, a putative class action under Sections 10(b) and 20(a) of the
2 Securities Exchange Act of 1934 (the “Exchange Act”) was filed on June 18, 2013 in
3 the Northern District of California; and

4 WHEREAS, in accordance with the provisions of Section 21D(a)(3)(A)(i) of
5 the Exchange Act, on June 18, 2013, first-filed plaintiff Todd Arostegui published
6 notice via *Business Wire*, a widely circulated national business-oriented wire service,
7 advising class members of the pendency of the action, the claims asserted therein, the
8 purported class period, and their right to move this Court to be appointed lead
9 plaintiff; and

10 WHEREAS, pursuant to Section 21D of the Exchange Act, any purported class
11 member or members desiring to be appointed lead plaintiff(s) was required to have
12 filed a motion for such appointment on or before August 19, 2013; and

13 WHEREAS, Khaled Khalafallah (“Khalafallah”) filed a timely motion to be
14 appointed Lead Plaintiff; and

15 WHEREAS, Khalafallah has the largest financial interest in the relief sought by
16 the Class and otherwise best satisfies the requirements of Section 21D of the
17 Exchange Act and Rule 23 of the Federal Rules of Civil Procedure; and

18 WHEREAS, in accordance with Section 21D(a)(3)(B)(v) of the Exchange Act,
19 15 U.S.C. § 78u-4(a)(3)(B)(v), Khalafallah seeks approval of his selection of Faruqi &
20 Faruqi, LLP to serve as Lead Counsel for the Class.

21 AND NOW THIS 27 day of September _____ 2013, the Court having
22 considered the Motion of Khalafallah for (1) Consolidation; (2) Appointment as Lead
23 Plaintiff; and (3) Approval of Lead Counsel and all supporting documents, it is hereby
24 ORDERED as follows:

CONSOLIDATION

1. The motion of Khalafallah to consolidate the above-captioned actions (“Consolidated Action”) is GRANTED.

2. Pursuant to Fed. R. Civ. P. 42(a), the Consolidated Action is to be consolidated for all purposes, including, without limitation, discovery, pretrial proceedings and trial.

3. Every pleading filed in the Consolidated Action shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

----- -X	
In re: DYNAVAX TECHNOLOGIES	⋮
CORPORATION SECURITIES LITIGATION	⋮
----- -X	
	CA NO. CV 13-2796 (CRB)
	CLASS ACTION

This Document Relates To:

----- -X

4. The file in Civil Action No. CV 13-2796 (CRB) shall constitute the master file for every action in the Consolidated Action. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:” in the caption. When a pleading applies only to some, but not all, of the actions the document shall list, immediately after the phrase “This Document Relates To:” the docket number for each individual action to which the document applies, along with the last name of the first listed plaintiff in that action.

5. All related actions subsequently filed in, or transferred to, this District shall be consolidated into the Consolidated Action. This Order shall apply to every such action, absent order of the Court. A party that objects to such consolidation, or to any other provisions of this Order, must file an application for relief from this Order

1 within ten days after the date on which a copy of this Order is mailed to the party's
2 counsel.

3 6. This Order is entered without prejudice to the rights of any party to apply
4 for severance of any claim or action with good cause shown.

5 **LEAD PLAINTIFF**

6 7. The motion of Khalafallah to serve as Lead Plaintiff in the Consolidated
7 Action is GRANTED. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. §78u-
8 4(a)(3)(B), Khalafallah is appointed as Lead Plaintiff for the putative Class.

9 **LEAD COUNSEL**

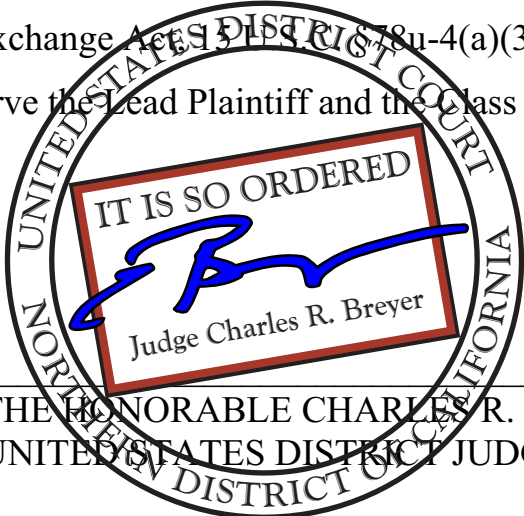
10 8. The motion of Khalafallah for approval of his counsel as Lead Counsel is
11 GRANTED.

12 Pursuant to Section 21D of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(v),
13 Faruqi & Faruqi, LLP is approved to serve the Lead Plaintiff and the Class as Lead
14 Counsel.

15 IT IS SO ORDERED.

16
17 DATED: September 27, 2013

18
19
20
21
22
23
24
25
26
27
28



THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE